

HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOM JULIEN TOMASCZEWSKI,

Defendant.

NO. CR04-0524 RSL

ORDER CONTINUING TRIAL

CLERK'S ACTION REQUIRED

THE COURT having considered the entirety of the records and files herein,

FINDS AND RULES AS FOLLOWS:

1. This case is currently set for trial on July 11, 2005.
2. Defense counsel, Douglas Hiatt, has informed the Court that he is undergoing a family emergency, specifically that his mother, who was

*[PROPOSED] ORDER CONTINUING
TRIAL*

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terminally ill, has passed away. As a result, Mr. Hiatt is unable to prepare this case for trial, or finalize a settlement, at this time.

3. Defendant Tomaszewski is out of custody, residing in California. This distance has further hampered Mr. Hiatt's efforts to prepare or resolve this case by the current trial date, in light of his need to be in the hospital with his mother and to deal with her death.
4. As a result of his family emergency, counsel for Defendant Tomaszewski requests a trial continuance to August 8, 2005. The United States, by and through Assistant US Attorney Sarah Vogel, does not oppose this request.
5. On July 7, 2005, Defendant Tomaszewski filed a written speedy trial waiver, which waives time through September 29, 2005, with the court via ECF.

IT IS HEREBY ORDERED that the trial date shall be continued from July 11, 2005 to August 8, 2005.

IT IS HEREBY ORDERED that the period of time between July 11, 2005, until the new trial date shall be excluded from computation under 18 U.S.C. §§ 3161(h)(8)(A), and 3161(h)(8)(B)(i) and (iv), because of defense counsel's family emergency, his need for more time for effective trial preparation or resolution, and to preserve continuity of counsel, taking into account the exercise of due diligence, because it is unreasonable under these circumstances to expect adequate preparation for trial.

THE COURT FURTHER FINDS that the ends of justice served by this continuance outweigh the best interest of the public and Defendant in a speedy trial.

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DONE IN OPEN COURT this 11th day of July, 2005.


Robert S. Lasnik
United States District Judge

Presented by:
Defendant Tom Tomasczewski,
Represented by:

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s/ Douglas Hiatt
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Approved for entry:
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